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10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 STATE OF CALIFORNIA, STATE OF  
 COLORADO, STATE OF DELAWARE,  
 COMMONWEALTH OF  
 MASSACHUSETTS, STATE OF NEW  
 JERSEY, STATE OF NEW MEXICO,  
 STATE OF NEW YORK, STATE OF  
 OREGON, STATE OF RHODE ISLAND,  
 STATE OF VERMONT, and STATE OF  
 15 WASHINGTON,

16 Plaintiffs,

17 v.

18 UNITED STATES OF AMERICA, U.S.  
 ENVIRONMENTAL PROTECTION  
 AGENCY, LEE ZELDIN, in his official  
 capacity as Administrator of the U.S.  
 Environmental Protection Agency, and  
 19 DONALD J. TRUMP, in his official capacity  
 as President of the United States,

20 Defendants.

21 Case No. 4:25-cv-04966-HSG

22 **DECLARATION OF CECILIA D. SEGAL  
 IN SUPPORT OF PLAINTIFFS'  
 OPPOSITION TO DEFENDANTS'  
 ADMINISTRATIVE MOTION FOR A  
 STAY DUE TO LAPSE IN  
 APPROPRIATIONS**

23 Action filed: June 12, 2025

1 I, Cecilia D. Segal, declare as follows:

2       1. I am a Deputy Attorney General in the California Attorney General's Office, counsel for  
3 Plaintiff California in this matter, and admitted to practice in this Court. Unless otherwise  
4 indicated, this Declaration is based on my personal knowledge, and, if called as a witness, I could  
5 and would testify to the statements herein.

6       2. On October 16, 2025, counsel for Defendants, Mr. Stephen Pezzi, informed Plaintiffs'  
7 counsel of Defendants' intent to seek a stay of all proceedings in this case pursuant to the Anti-  
8 Deficiency Act given the lapse in appropriations funding various federal agencies and  
9 departments.

10      3. In response, Plaintiffs indicated a willingness to extend Defendants' deadline for filing a  
11 motion to dismiss the amended complaint and sought clarification on whether the U.S.  
12 Department of Justice intended to seek a similar stay of proceedings in a case involving  
13 overlapping issues and parties, *Daimler Truck North America LLC v. California Air Resources*  
14 *Board*, No. 2:25-cv-02255-DC (E.D. Cal. filed Aug. 11, 2025).

15      4. Although Mr. Pezzi is not counsel for the federal government in *Daimler*, he conveyed his  
16 understanding that the federal government would not be seeking a stay in that case. Given that  
17 disparity and Plaintiffs' vested interest in moving their case forward, Plaintiffs represented that  
18 they would oppose a stay of all proceedings in this matter.

19      5. A true and correct copy of the U.S. Department of Justice's FY 2026 Contingency Plan is  
20 attached hereto as Exhibit A. Exhibit A is publicly available at and was downloaded from:

21 <https://www.justice.gov/jmd/media/1377216/dl>.

22      6. A true and correct copy of Lisa Friedman's article in the New York Times, *The*  
23 *Government Is Shut Down. But Not for Fossil Fuels*, dated October 17, 2025, is attached hereto as  
24 Exhibit B. Exhibit B is available at and was downloaded from:

25 <https://www.nytimes.com/2025/10/17/climate/trump-government-shutdown-energy.html>.

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7. A true and correct copy of Ellie Borst and Jean Chemnick's article in E&E News, *EPA flush with cash for 'priority' staff*, dated October 29, 2025, is attached hereto as Exhibit C. Exhibit C is available at and was downloaded from: <https://www.eenews.net/articles/epa-flush-with-cash-for-priority-staff/>

8. A true and correct copy of Chief Judge Seeborg's and Clerk of Court Busby's public notice, *Court Operations During Lapse in Appropriations*, dated October 17, 2025, is attached hereto as Exhibit D. Exhibit D is publicly available at and was downloaded from:  
<https://cand.uscourts.gov/news/2025/10/17/court-operations-during-lapse-appropriations>.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on November 3, 2025.

/s/ Cecilia D. Segal  
Deputy Attorney General  
Attorneys for Plaintiff State of California